

**Transcript of Proceedings - April 18, 2012
Public Meeting**

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THE STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
BEFORE THE NEVADA STATE DAIRY COMMISSION

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TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
VIDEO CONFERENCE

9:00 A.M., WEDNESDAY, APRIL 18, 2012

NEVADA STATE DAIRY COMMISSION
KIETZKE PLAZA
4600 KIETZKE LANE, A-107
RENO, NEVADA

APPEARANCES:

COMMISSIONERS PRESENT:

CHRISTOPHER COOK, Chairman

ROBERT R. FLETCHER, Commissioner

TROY CROWTHER, Commissioner

LYNN HETTRICK, Executive Director

WARREN GOEDERT, Attorney

REPORTED BY:

SUZANNE KUES ROWE, CCR, RPR

Nevada CCR #127

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1 WEDNESDAY, APRIL 18, 2012, RENO, NEVADA, 9:00 A.M.

2 -oOo-

3 (This meeting is held concurrently in Reno and Las
4 Vegas via video conferencing.)

5 CHAIRMAN COOK: Hey, Troy, can you hear us down there?

6 Let's now open this, what is this. April meeting of
7 the Nevada State Dairy Commission.

8 Mr. Hettrick, would you perform the duties, please?

9 MR. HETTRICK: Yes. Mr. Chairman, this is the time and
10 place set for the regularly scheduled meeting of the Nevada State
11 Dairy Commission for the month of April, 2012.

12 This meeting has been scheduled and noticed in
13 compliance with the pertinent statutes, including the open
14 meeting law.

15 A copy of the agenda has been handed to the court
16 reporter with the request that it be a part of the official
17 transcripts of these proceedings.

18 My name is Lynn Hettrick, executive director of the
19 Nevada State Dairy Commission.

20 Present today are Mr. Christopher Cook, chairman of the
21 Nevada State Dairy Commission, Troy G. Crowther, member of the
22 commission, Mr. Robert Fletcher, member of the commission,
23 Mr. Warren Goedert -- I do this every time. Goedert. I'll get
24 it out -- Counsel for the Nevada State Dairy Commission, and
25 certain members of the Dairy Commission staff.

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1 Those who present statements or evidence to the
2 commission during this meeting are requested to first be
3 acknowledged by the Chairman and to identify themselves for the
4 record.

5 First item on the agenda, Mr. Chairman, as always, is
6 public comment and discussion. In the event that we have anyone
7 who wishes to comment or discussion with the commission?

8 CHAIRMAN COOK: I guess, Dave, that would be you, since
9 you're the only member of the public.

10 MR. COON: I'm just here to listen. Thank you.

11 CHAIRMAN COOK: Okay. I guess we can proceed.

12 MR. HETTRICK: That was David Coon for the record.

13 Number two for possible action, license applications,
14 processing distributor and peddler distributor, we have
15 Fruitfresca, Incorporated of North Hollywood, California.
16 Gonzalo Ambrosio is the president.

17 The applicant seeks a license to distribute ice cream,
18 novelties, sherbert and frozen yogurt in the Northern and
19 Southern Nevada Marketing Areas.

20 The prices and costs have been reviewed by members of
21 the Dairy Commission staff and are in compliance with the
22 agency's laws and regulations. The applicant will be responsible
23 for the assessments.

24 CHAIRMAN COOK: Okay. Not seeing anybody present in
25 either location, I would assume there's no one representing the

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1 applicant.

2 Is there anything the staff would like to add to this?

3 MR. CROWTHER: Is this the one that was found out by
4 investigating, is this the one you were talking about?

5 MR. COON: Yes.

6 CHAIRMAN COOK: What was the story behind this? You
7 got to stand up and you got to identify yourself for the record?

8 MR. WRIGHT: James Wright, with the Dairy Commission.

9 Through an investigation with a couple of local ice
10 cream distributors, we came across an invoice for Fruitfresca;
11 it's in California there, and we have been working with them for
12 a while to get their registration documents and everything with
13 the Secretary of State.

14 They make the Mexican ice cream bars, popsicles, that
15 type thing, that they are distributing to three of the local
16 distributors here in the Valley.

17 CHAIRMAN COOK: So, they actually are a manufacturer?

18 MR. WRIGHT: Yes.

19 MR. CROWTHER: So, they were selling it before, and you
20 just found out about them.

21 Have they gone back and made up on their past
22 assessments then?

23 MR. WRIGHT: Not yet. It's to come. Once their
24 licensing was done, we were going to look at that.

25 CHAIRMAN COOK: How long have they been selling in the

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1 state?

2 MR. WRIGHT: I think it was somewhere between two and
3 three years that the local distributors were saying that they
4 have been working with them.

5 CHAIRMAN COOK: Okay.

6 MR. CROWTHER: This is more maybe a legal question, I
7 don't know.

8 But, do they need to be brought current on those past
9 assessments before we license them or which comes first?

10 MR. GOEDERT: Depends on whether you trust them to pay
11 them or not.

12 MR. WRIGHT: We are working with them. As an auditor,
13 we usually, once they have been licensed, we work with them to
14 bring them current and then make sure they've got their
15 paperwork, that way they are doing the paperwork correctly and
16 everything.

17 MR. GOEDERT: It might be worthwhile to approve it,
18 subject to them paying the assessments within a particular period
19 of time.

20 MR. HETTRICK: I think probably what I, if I can
21 insert, I think we can do that. But, I think, rather than put
22 the burden on us to keep track of that time period, I'd rather
23 worry about getting the reports in. And if we don't get them, go
24 back and readdress it.

25 I think that would be cleaner for our staff. Rather

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1 than put the burden on our staff, rather than tracking a time
2 period.

3 We'll watch for their reporting and they're reporting
4 current, and we know they owe back, we will be looking for the
5 back. If we don't get it, we'll readdress it.

6 CHAIRMAN COOK: Is there any doubt about their ability
7 to pay past assessments?

8 MR. WRIGHT: No. My conversations with their manager,
9 he said once we get licensed, and we'll go back and run the
10 history and bring them current.

11 MR. HETTRICK: I think that will take care of it.
12 Okay.

13 MR. CROWTHER: I don't have any further questions.

14 CHAIRMAN COOK: Any questions, Bob?

15 COMMISSIONER FLETCHER: No questions.

16 CHAIRMAN COOK: Any comments or questions from staff?
17 Members of the audience?

18 Seeing none, I will entertain a motion.

19 MR. CROWTHER: Okay. I'll make a motion to approve the
20 Processing Distributor Peddler License Application by
21 Fruitifresca, North Hollywood, California, to distribute ice
22 cream, novelties, sherbert and frozen yogurt in the Northern and
23 Southern Nevada Marketing Areas.

24 COMMISSIONER FLETCHER: Second.

25 CHAIRMAN COOK: Having a second, a first and a second

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1 and no dissenting votes, the motion carries and the license is
2 granted.

3 MR. HETTRICK: Okay. Mr. Chairman, next on the agenda
4 for possible action is approval of the minutes for the March 21st
5 meeting of the Dairy Commission.

6 The only change to the minutes is changing chairman
7 Cook to Mr. Orzech, and we will, it's just a, got the wrong name
8 in the right place, so we'll fix that.

9 Other than that, the minutes can be approved. If you
10 want to make a motion to do that?

11 CHAIRMAN COOK: Okay. I will entertain a motion to
12 amend the minutes as recommended.

13 COMMISSIONER FLETCHER: I move we approve the minutes
14 of the March 21, 2012 Nevada State Dairy Commission minutes as
15 amended.

16 MR. CROWTHER: Second.

17 CHAIRMAN COOK: Okay. Having a motion and a second, no
18 dissenting votes, the motion carries and the minutes are
19 approved.

20 MR. HETTRICK: Next on the agenda is the staff report,
21 and our balance carry forward at the end of March was 431,176.44.
22 That is a decrease of 54,641.24 from the February ending.

23 We had an extra pay period in March, and the bulk of
24 the remaining tax holiday credits came in as well during that
25 period.

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1 We are still projecting that our reserves are still
2 going to be significantly higher than recommended by LCB and the
3 typical state rules in regard to reserves.

4 We plan to bring a request for you as the commission to
5 approve another tax holiday at the May meeting, which we will
6 issue to our licensees and assessment payors in dairy month, June
7 is dairy month, and they will get another round of tax relief in
8 June. If you approve that.

9 The milk price report is printed out and has been
10 passed out.

11 We went out and went to the DFA groundbreaking. That
12 was very interesting. Had a good crowd. Apparently it's a
13 unique plant. What they told us there is that that is the only
14 plant of its type in the United States.

15 They can actually process whole milk down to full skim
16 milk to make it dry powder. And they will custom blend whatever
17 anybody wants. They will custom dry. They are excited about it.

18 Obviously, people out there are excited about it.

19 Dairymen were there, a lot of people there, good crowd.
20 Governor's office was represented by Mr. Guiaga, who spoke about
21 the value of it and the like.

22 So, we're excited about it. We think it's certainly a
23 plus, and the value to our dairy man is going to be huge.

24 I was called Tuesday, no. Monday, I'll get it right.
25 Monday and attended a meeting yesterday at NNDA, and they've got

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1 another dairy processor, you know, who is looking at Nevada.

2 And, indeed, we met with them yesterday afternoon for
3 quite a while, and it's an interesting one. They are not looking
4 for all of the milk to come out of the Nevada dairy shed. They
5 are looking to perhaps ship some milk in here one way or another.

6 But, they want to be as close as they can get to the
7 Port of Oakland. But, they adamantly made the comment that they
8 are not going to go into California.

9 So, this is as close as they could get. And so they
10 are talking about putting a processing plant into Northern
11 Nevada. And it's dried milk. It would be a dried milk plant.

12 So, a lot of interest, apparently internationally in
13 dried milk right now.

14 So, that's all I have on the staff report, other than
15 do we want to do a report on the meeting, or are you holding that
16 for next time, Kathy?

17 MS. EASLY: We were holding the Clark County Fair
18 report for next meeting.

19 MR. HETTRICK: I will just tell you that the staff did
20 go to the Clark County Fair, and they will do a full report, and
21 we will have some things for you to look at for next time.

22 But, they were very successful, and we are quite
23 pleased. I can't pass these to you guys down there, but I do
24 have some drawings, I've got photo renderings, or artist
25 renderings of that plant in Fallon.

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1 It's really going to be a very nice facility. Hundred
2 thousand square feet with full truck scales in and out. In a
3 nice industrial park on the east side of Fallon.

4 Well supported by the city and the stuff, you know, the
5 people around. It's really going to be a tremendous addition to
6 the community out there. An 84 million dollar investment, and 44
7 full-time jobs within the plant itself, plus the multiplier
8 effect jobs that will come with it.

9 So, very nice facility.

10 CHAIRMAN COOK: And what's the targeted opening date?

11 MR. HETTRICK: Sometime in 2013, mid-summer, I believe
12 is their targeting opening.

13 And you will see this, by the way, Troy and Dave, when
14 we send out our newsletter. You will get, the pictures are in
15 the newsletter, so you will get to see these photos of the
16 renderings. So, just so you know.

17 That's all I have on the staff report, Mr. Chairman.

18 CHAIRMAN COOK: Okay. Please proceed.

19 MR. HETTRICK: Next is the legal report.

20 MR. GOEDERT: I don't have anything of a real legal
21 nature to convey, except that I attended the groundbreaking
22 ceremony and spent some time with Mike Mackedon, the city
23 attorney, who was very helpful in getting some things through the
24 city council in support of the new plant.

25 I think, from my discussions with him, if there are any

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1 problems or anything, he's more than willing to step in and try
2 to get things worked out.

3 So, I passed that on. He's been a long time friend of
4 mine, and he did a lot of work trying to get this thing passed.

5 MR. HETTRICK: Okay. Next, consideration of any other
6 matters relating to the dairy industry.

7 CHAIRMAN COOK: I'd like to go back and revisit the
8 reserve growth. Is the growth in that number because we have
9 experienced less costs than anticipated, or are we getting
10 increases in volumes, sales volumes?

11 MR. HETTRICK: For the most part we are not getting
12 increases in sales volumes, but that's seasonal, and it's hard to
13 tell.

14 So, right now I would say that's running about what we
15 had anticipated. The bulk of it has been less costs, and it's
16 been -- the things obviously that a lot of things that have been
17 done.

18 For instance, the video conferencing instead of the
19 traveling back and forth, and we have done no out-of-state
20 audits.

21 Sooner or later we are going to have to do some, but
22 we're trying to do the bulk of that, or as much of it as we
23 possibly can electronically, which is becoming more and more
24 efficient as we go.

25 We have some staff in, when Jim Bentley retired,

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1 obviously we had an opening there in staff that we're budgeted
2 for that expense, but we don't have the expense, so we're seeing,
3 you know, a reduction of expense, which going to the bottom line,
4 obviously.

5 Those kinds of things. For the most part it is a
6 reduction of expenditure. And then we do need to, you know, what
7 we're doing here for the most part when we're doing the tax
8 holiday is reducing money that was collected before. For the
9 most part.

10 But, indeed, the reason it's not going down as fast as
11 we thought it might, or as far as we thought it might, because we
12 have reduced the expenses as we have gone.

13 CHAIRMAN COOK: So, do you anticipate we will be
14 revisiting the tax holiday issue?

15 MR. HETTRICK: In May for June.

16 CHAIRMAN COOK: Okay.

17 MR. CROWTHER: Let me, these expenses that are being
18 reduced, you talked about Jim's salary and that. Are these
19 reductions permanent, or temporary reductions in expenses?

20 MR. HETTRICK: Jim's salary is temporary. We are
21 waiting for interim finance committee approval of changing to a
22 supervisor position in the south, so we have one supervisor.

23 Right now the situation we have there is no one is
24 actually quote, unquote, "in charge," you know, legally or by
25 state rule, "in charge," because they're not a supervisor.

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1 And so we need people to schedule time off, sick days,
2 those kinds of things.

3 So, we have applied to have a supervisor position
4 approved for down there. We are waiting for that approval before
5 we fill the position so we can advertise and obviously interview
6 for somebody who can fill that position.

7 So, most of the other expense reductions are permanent.
8 They're not going to change significantly. I mean there might be
9 some fluctuation or variation, but the fact that we're not
10 traveling back and forth anymore, that's going to be permanent.

11 The fact that we can do a significant part of our
12 business via the, you know, e-mail electronically, that's not
13 going to change.

14 So, we anticipate that they're, you know, we're going
15 to operate at a lower overall expense rate.

16 MR. CROWTHER: Okay.

17 CHAIRMAN COOK: Do we have anybody slated to go to the
18 IAMCA meeting this year?

19 MR. HETTRICK: No. We haven't booked any meeting of
20 the IAMCA to attend at this time. We will be attending the, what
21 is it? Western Dairy?

22 MR. ORZECH: Western States Dairy Producers Trade
23 Association.

24 MR. HETTRICK: That is going to actually be held in
25 Reno, and we will be attending that soon. It's in the next 30

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1 days, I think.

2 We will be attending that, and, of course, the group is
3 coming to Reno, which is nice. We appreciate it.

4 So, but no, beyond that, we are going to, we're sending
5 staff to our trainings, and we have attended the two meetings of
6 the Western Dairy Trade Association.

7 CHAIRMAN COOK: I think it might be a good idea if we
8 started getting people back at IAMCA, now that we have certainly
9 been several indications of interest from processors to come in,
10 I think we probably ought to have a presence there.

11 MR. HETTRICK: We're going to have to fight the battle
12 to get approved out-of-state travel.

13 Out-of-state travel technically is still banned beyond
14 things that aren't in your mission, and the only out-of-state
15 travel are basically approval for us right now is training for
16 our environmental health specialists. And that was a fight to
17 get that.

18 So, that's a battle we would have to take on and see
19 where we go. I understand the desire, because we might -- but,
20 if we capture anymore processors, we're rapidly approaching our
21 limit of our ability to provide materials, you know.

22 These guys, this last group, as I mentioned to you, is
23 actually looking at shipping milk in from elsewhere. We don't
24 believe we can produce enough milk. But, they don't care. They
25 see us as the only place they want to be close enough to the port

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1 is.

2 CHAIRMAN COOK: Are they bound and determined that it
3 be Oakland? Could it be Long Beach?

4 MR. HETTRICK: Apparently one fella is in Northern Utah
5 and the other guy is in San Rafael. And they like the idea of
6 meeting in the middle in northern Nevada. And so they pretty
7 much said they wanted to make up their mind that, that wanted to
8 be in Northern Nevada.

9 I suppose it could be, but they seemed, they made the
10 comment, we want to be in Northern Nevada. So, we weren't
11 selling it, we were listening to them tell us what they wanted.

12 CHAIRMAN COOK: Okay. Anything else?

13 MR. HETTRICK: Back to public comment or suggestion,
14 Mr. Chairman?

15 CHAIRMAN COOK: Anything you want to throw in, Dave?

16 MR. COON: I still don't have anything to say.

17 But, thank you, Mr. Chairman. Appreciate your good
18 work.

19 CHAIRMAN COOK: Well, we appreciate you showing up.

20 MR. CROWTHER: I just want to confirm that the May
21 meeting is the 9th.

22 We moved that to the 9th, is that correct?

23 MR. HETTRICK: I have it on the 9th.

24 CHAIRMAN COOK: Looks like it is the 9th.

25 Well, are there any comments from staff? Commission

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1 members? Public?

2 Seeing none, let's adjourn.

3 (Whereupon proceedings concluded at 9:23 a.m.)

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BOARD SIGNATURE PAGE

CHRISTOPHER COOK, CHAIRMAN

BOB FLETCHER, MEMBER

TROY CROWTHER, MEMBER

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1 STATE OF NEVADA)
) Ss.
2 COUNTY OF DOUGLAS)

3

4 I, SUZANNE KUES ROWE, Certified Court Reporter,
5 licensed in the State of Nevada, License #127, and a Notary
6 Public in and for the State of Nevada, County of Douglas, do
7 hereby certify that the foregoing proceeding was reported by me
8 and was thereafter transcribed under my direction into
9 typewriting; that the foregoing is a full, complete and true
10 record of said proceedings.

11 I further certify that I am not of counsel or attorney
12 for either or any of the parties in the foregoing proceeding and
13 caption named, or in any way interested in the outcome of the
14 cause named in said caption.

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18 Date: April 19, 2012

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SUZANNE KUES ROWE, CCR #127

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